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Syn. No. 94
4/02/02

TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN *DM for*
County Counsel

RE: **Meetings of Board Deputies on Matters Calendared for Board Action**

On April 2, 2002 your Board adopted a policy that "meetings of Board deputies, called to discuss matters that have been calendared for Board of Supervisors action, be conducted in accordance with the provisions of the Ralph M. Brown Act, regardless of whether or not such meetings are covered by the Ralph M. Brown Act." Pursuant to this policy, meetings of Board deputies have been conducted in compliance with the Act on matters expected to be "imminently" calendared for Board action.

Matters have been considered "imminently" calendared when they are expected to be placed on a Board meeting agenda within the next few weeks (not exceeding 30 days). Use of the concept of "imminent" calendaring has been utilized on an interim basis because matters are not actually calendared on a Board agenda until the Wednesday (Agenda) or Friday (Supplemental Agenda) before the Tuesday regular meeting. This leaves, as a practical matter, little or no time to notice and conduct informational meetings of Board deputies pursuant to Brown Act procedures on items actually calendared for a Board agenda. Further, few, if any, meetings of Board deputies would be subject to the policy.

In our memorandum of March 28, 2002 regarding Board Deputy Meetings and Meetings with County Staff which was discussed at the April 2 Board meeting, we advised that such meetings were not legally subject to the Ralph M. Brown Act. Nevertheless, we recommended that the Board take action

to clarify the role of its deputies and County staff by adopting as a policy other provisions of the Brown Act that are applicable, i.e., that any meetings among Board deputies and any meetings of County staff with individual Supervisors shall not be employed to develop a collective concurrence as to action to be taken on any item or matter by the members of the Board of Supervisors.

Enclosed, for the Board's consideration, is a more detailed written policy addressing meetings of Board deputies on matters to be calendared for Board action which also incorporates the strictures on collective concurrence. The Board's outside counsel, Brown, Winfield & Canzoneri, have reviewed the proposed policy and concur in our view that it is consistent with law and your Board's April 2 action concerning Board deputy meetings.

LWP:DMM:mr

Enclosure

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

Michael J. Henry
Director of Personnel

POLICY OF BOARD OF SUPERVISORS
CONCERNING MEETINGS OF BOARD DEPUTIES
ON MATTERS TO BE CALENDARED FOR BOARD ACTION

Deputies in the office of each member of the Board of Supervisors serve as staff to each individual supervisor, respectively, for the purpose of receiving and transmitting information pertaining to County business. No deputy of any Supervisor or other employee of the County of Los Angeles is, or shall be, authorized to function as a personal intermediary of a member of the Board to participate, individually or collectively, in the development of a collective concurrence among the members of the Board of Supervisors as to action to be taken on any item or matter by the Board.

The Board recognizes that Board deputies may meet from time to time with representatives of County departments, other public agencies and private agencies for the purposes of obtaining information and hearing points of view. It shall be the policy of the Board of Supervisors that in the event Board deputies from the offices of three or more members of the Board of Supervisors attend the same meeting for purposes of efficiency to discuss matters that have been calendared or which a County department expects to be calendared on an agenda for action by the Board of Supervisors within the next 30 days, such a meeting shall be conducted in accordance with the procedures and provisions of the Ralph M. Brown Act.

This policy and practice shall be followed even though any such groups of Board deputies and informational meetings have not been created by and do not function pursuant to formal action of the Board of Supervisors, and are thus not legally subject to

the open meeting requirements of the Ralph M. Brown Act (Government Code Section 54950, et. seq.) No such informational meeting of Board deputies shall be employed to develop a collective concurrence as to action to be taken on any item or matter by the members of the Board of Supervisors.